

2005 U.S. FISHERIES BYCATCH REDUCTION
STANDARDS AND MEASURES RELEVANT TO SECTION 202(h) OF THE
MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT

Section 202(h)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) states that the Secretary of State, in cooperation with the Secretary of Commerce, "shall seek to secure an international agreement to establish standards and measures for bycatch reduction that are comparable to the standards and measures applicable to United States fishermen for such purposes in any fishery regulated pursuant to this Act for which the Secretary [of Commerce], in consultation with the Secretary of State, determines that such an international agreement is necessary and appropriate." Similar provisions are contained in both the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA).

Section 202(h)(3) of the Magnuson-Stevens Act requires that the Secretary of Commerce, in consultation with the Secretary of State, submit annually to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report describing actions pursuant to Section 202(h)(1) of the Act.

In the September 2000 Annual Report to Congress on International Bycatch Reduction Agreements, NOAA's National Marine Fisheries Service (NMFS) concluded, and the Department of State concurred, that seeking international agreements with foreign nations conducting pelagic longline fishing operations for Atlantic and Pacific highly migratory species was necessary to protect endangered and threatened sea turtles. An international strategy, referred to as the Course of Action to Promote International Agreements that Address the Need to Reduce Sea Turtle Bycatch in Foreign Longline Fisheries, was subsequently developed to address this issue and detailed in the June 2001 Report to Congress on International Bycatch Reduction Agreements.

In January 2002, the International Bycatch Reduction Task Force was convened to develop a Plan of Action to implement the sea turtle bycatch strategy. This Task Force was made up of NMFS and Department of State personnel. Although the initial focus of this group was to further discussions and ultimately to reduce sea turtle bycatch in longline fisheries internationally, the issues of incidental catch of seabirds in longline fisheries and the conservation and management of sharks were quickly added to the work of the Task Force. More information on the Course of Action to Promote International Agreements that Address the Need to Reduce Sea Turtle Bycatch in Foreign Longline Fisheries and the activities of the International Bycatch Reduction Task Force is available from NMFS.

In this report, NMFS has reviewed management measures for January 2005 through December 2005 under all approved and implemented fishery management plans that address fish stocks also harvested by foreign fishermen to identify relevant bycatch standards and measures. A description of these bycatch standards and measures by region, an update on initiatives identified in previous reports (where relevant), and NMFS' conclusions on the necessity and appropriateness of seeking international agreements establishing comparable standards and measures follow. Additionally, this report provides steps taken internationally by members of the International Bycatch Reduction Task Force in implementing the current U.S. strategy for international bycatch reduction.

NORTHEAST REGION

Multispecies Management Plan: Framework 40B (FW 40B) to the Northeast Multispecies Fishery Management Plan implemented measures that help provide increased observation of herring vessel landings for the purpose of increasing the amount of information collected on groundfish bycatch in this fishery. FW 40B also implemented a modification to the regulations for several special management programs, which clarified that the prohibition on discarding in such programs also includes the removal of any fish caught using the gear, including the dumping of nets, before the gear is brought on board the vessel. In order to encourage fishing vessels to report entangled whales, FW 40B provides a mechanism for a limited access groundfish vessel to obtain days-at-sea (DAS) credit for the time spent standing by an entangled whale. Lastly, FW 40B provides the Regional Administrator with the authority to adjust the trip limit and the total number of trips allowed into the Closed Area II Yellowtail Flounder Special Access Program to adapt to changing stock and fishery conditions.

SOUTHEAST REGION

Caribbean Multiplan Amendment: The final rule implementing the Caribbean Fishery Management Council's comprehensive amendments to its Reef Fish, Spiny Lobster, Queen Conch, and Coral Fishery Management Plans (70 FR 62073, October 28, 2005) established several seasonal closures to protect species as they aggregate to spawn and allow stocks to rebuild to optimum yield levels. This rule also established gear and harvesting restrictions. The use of gill and trammel nets in the U.S. Exclusive Economic Zone (EEZ) is prohibited, except those nets used for catching ballyhoo, gar (houndfish), and flying fish. Commercial and recreational possession of queen conch in federal waters of the U.S. Caribbean is prohibited, with an exception for Lang Bank, near St. Croix. In addition, the final rule amends current requirements for trap and pot construction such that only one escape panel is required.

Gulf of Mexico Grouper Measures: A temporary rule to implement management measures for the recreational grouper fishery in the EEZ of the Gulf of Mexico (70 FR 42510, July 25, 2005) established a seasonal closure of the recreational fishery for all Gulf grouper species and reduced both the recreational bag limit for red grouper and the aggregate grouper bag limit. The reduction in the aggregate bag limit was designed to provide protection to other grouper species from redirected red grouper fishing effort and may reduce bycatch mortality of red grouper.

Gulf of Mexico Observer Program: The final rule to implement Amendment 22 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (70 FR 32266, June 2, 2005) established a mandatory observer program for selected commercial and for-hire (charter vessel/headboat) vessels in the Gulf of Mexico reef fish fishery in order to establish a standardized reporting methodology for the red snapper fishery to assess the amount and type of bycatch occurring in the fishery.

ATLANTIC HIGHLY MIGRATORY SPECIES

In addition to time/area closures (areas of the South Atlantic Bight, Gulf of Mexico, and off New Jersey), observer coverage, requirements for vessel monitoring systems (VMS) for pelagic longline vessels, reporting requirements, dead discard accounting, and bycatch limits already in place for U.S. fishermen (see previous reports for full descriptions of these measures), the United States has implemented new measures to reduce bycatch in Atlantic highly migratory species (HMS) fisheries. These measures include:

Sea Turtle Bycatch Reduction: NMFS has begun a new research program to evaluate methodology to reduce sea turtle bycatch and bycatch mortality in the U.S. Atlantic pelagic longline fishery. The research is being conducted using commercial vessels as research platforms in the Atlantic Ocean and Gulf of Mexico. The experiment is testing fishing protocols using bait types and hook types.

Gear Requirements: All U.S. permitted vessels, or those with pelagic longline gear onboard required to be permitted for Atlantic HMS, must possess and maintain line cutters and dipnets meeting newly revised design and performance standards. These vessel operators must also possess, maintain, and utilize additional equipment, in compliance with careful release protocols, to remove fishing gear from incidentally captured sea turtles. The protocols and video were released in Spanish and Vietnamese in early 2005. Required handling and release gear is described in the Technical Memorandum “NOAA Fisheries–Approved Models for Equipment Needed for the Careful Release of Sea Turtles Caught in Hook and Line Fisheries” (NMFS-SEFSC-524). A training video on release and disentanglement techniques was also published. NMFS conducted eight workshops in June throughout the Atlantic and Gulf of Mexico for bottom longline fishermen to demonstrate the proper release and handling protocols for sea turtles and sawfish.

Shark Time/Area Closure: Effective January 1, 2005, NMFS implemented an annual time/area closure in the mid-Atlantic Bight for directed shark fishermen using bottom longline gear from (December 24, 2003, 68 FR 74746). This closure is designed to reduce bycatch and bycatch mortality of juvenile sandbar and prohibited dusky sharks.

Vessel Monitoring Systems (VMS): Effective November 15, 2004 (August 17, 2004, 69 FR 51010), directed shark vessels with gillnet gear onboard, regardless of location, are required to have VMS installed and operating during Right Whale Calving Season (November 15–March 31). Additionally, as of January 1, 2005, directed shark vessels with bottom longline fishing gear onboard, located between 33° and 36° 30' N latitude, are required to have VMS installed and operating during the mid-Atlantic shark closure (January 1–July 31).

Observer Coverage: NMFS continues to place observers on pelagic longline fishing vessels. A target of 8 percent observer coverage for this fishery has been designated. Observer coverage for 2004 was 7.8 percent by set for the entire fishery. Observer coverage of vessels operating in the experimental fishery was 100 percent. NMFS also continues to place observers onboard shark

bottom longline fishing vessels. The United States is expanding observer coverage in the directed shark gillnet fisheries to include gillnet vessels that target non-HMS and hold directed shark permits.

NORTHWEST REGION

No new measures specifically to reduce bycatch were implemented in 2004.

SOUTHWEST REGION

HMS Management Measures: NMFS implemented management measures for the HMS fisheries based in Washington, Oregon, and California effective May 7, 2004 (69 FR 18444, April 7, 2004), that include permits for all commercial vessels; catch reporting and recordkeeping requirements, including bycatch reporting; and catch restrictions, including specific requirements for sea turtle handling and resuscitation. Longline vessels are prohibited from fishing in the EEZ and from fishing “shallow set” for swordfish west of 150° W. longitude. In addition, they must comply with seabird protection measures and seasonal closed areas. The shallow set longline fishery was also closed on the high seas east of 150° W. longitude by a companion rule issued under the Endangered Species Act, effective April 12, 2004 (69 FR 11540, March 11, 2004). Drift gillnet fisheries must comply with marine mammal take reduction measures regarding gear and seasonal closed areas.

These management measures regulate tuna fisheries that are also regulated internationally by the Inter-American Tropical Tuna Commission (IATTC), which governs all international fishing. The Albacore Tuna treaty with Canada is regulated domestically through these management measures. In addition, fisheries to be regulated by the new Western Central Pacific Fisheries Commission will be regulated domestically through these management measures.

PACIFIC ISLANDS REGION

Sea Turtle Conservation Efforts:

- *Western Pacific Pelagic Fisheries Management:* NMFS implemented additional management measures to protect sea turtles in western Pacific pelagic fisheries effective December 15, 2005 (70 FR 69282, November 15, 2005). These measures apply to vessels registered for use with Western Pacific Longline General Permits (western Pacific longliners) and non-longline vessels using hooks to target pelagic management unit species (PMUS), e.g., pelagic trollers and tuna handline fishing vessels. Under the new measures, (a) owners and operators of western Pacific longliners must attend annual protected species workshops; (b) owners and operators of western Pacific longliners must carry and use NMFS-specified dip nets, line-clippers, and bolt cutters and employ sea turtle handling, resuscitation, and release procedures for incidentally hooked or entangled sea turtles (vessels with a freeboard of less than 3 feet would not be required to carry dip nets); (c) operators of non-longline vessels using hooks to target PMUS must employ sea turtle handling, resuscitation, and release procedures, and cut all trailing fishing line from sea turtles that are accidentally hooked or entangled, and (d) operators of western Pacific

longliners must use size 18/0 or larger circle hooks with 10-degree offset, mackerel-type bait, and specified sea turtle dehooking devices when shallow-setting north of the Equator.

- *Observer Training:* NMFS supported the training of observers in turtle de-hooking and resuscitation techniques in Indonesia (in cooperation with World Wildlife Fund for Nature (WWF)–Indonesia), the Republic of the Marshall Islands (in cooperation with the Marshall Islands Marine Resources Authority (MIMRA)), Papua New Guinea (PNG) (in cooperation with the National Fisheries Authority (NFA)) and the Federated States of Micronesia (in cooperation with the National Oceanic Resources Authority (NORMA)). Preliminary groundwork was conducted in the Solomon Islands working with the Department of Fisheries and Marine Resources (DFMR) to conduct observer training in 2006.
- *Nest Monitoring:* NMFS supported nesting beach monitoring projects in Palau, Yap, CNMI, Guam, American Samoa, and Indonesia (including aerial surveys and satellite telemetry at some locations) and in-water turtle monitoring activities in CNMI and American Samoa.
- *Capacity Building:* NMFS also supported institutional capacity building, including support to the Forum Fisheries Agency (FFA) in their continuing efforts to provide observer training services for members from western and central Pacific region.
- *TED Deployment:* NMFS assisted PNG NFA in a phase II pilot Turtle Excluder Device (TED) project. TEDs are expected to be deployed by local fishing companies in PNG in the near future.
- *Economics:* NMFS continues to provide support for a postdoctorate resource economist reviewing current efforts to optimize sea turtle conservation and management efforts in Indonesia, Malaysia, and PNG. The investigation focuses on the costs of protecting two leatherback nesting beaches in the Pacific (Jamursba Medi in PNG, and Rantau Abang in Terengganu, Indonesia, and Malaysia), and the opportunity costs to communities near the projects and the incentives they face for conservation. Because incentives are weak, NMFS is considering alternative approaches of purchasing land outright or pursuing contracts with communities that provide direct compensation in exchange for performing verifiable environmental services. Setting up endowment funds that can fulfill these long-term requirements may be a crucial component of these activities.

NMFS is also providing support for additional economic studies that include Conservation International's efforts to determine the costs of creating endowed funds to support long-term agreements with local communities for nesting beach protection in the Arnavons Marine Conservation Area in the Solomon Islands, the Kamiali Wildlife Management Area in Papua New Guinea, and the Jamursba Medi beach in Papua, Indonesia.

Seabird Avoidance Measures: NMFS proposes to revise its seabird avoidance measures for the Hawaii pelagic longline fleet (70 FR 40302, July 13, 2005). Some of the revisions include an option to use side-setting and would require “night-setting” for those shallow-setting vessels not using side-setting. NMFS produces and distributes associated outreach material (video, brochures, TV spots) on the mitigation measures and safe handling and release techniques for seabirds caught while gear is being hauled.

ALASKA REGION

Seabird Avoidance Measures: NMFS is implementing the final rule revising mandatory seabird avoidance measures in longline fisheries in the Bering Sea and Gulf of Alaska (69 FR 1930, January 13, 2004). Based on the size of the vessel and specific area fished, some of the requirements include: use of a single or paired streamer lines to deter birds from accessing baited hooks; discharging offal in a manner that reduces the attraction of seabirds to the vessel; and removing hooks from any offal that is discharged.

MARINE MAMMAL PROTECTION ACT (MMPA) ACTIVITIES

MMPA List of Fisheries: NMFS proposed its List of Fisheries (LOF) for 2005 on December 2, 2004 (69 FR 70094). This year NMFS also revised the Environmental Assessment on the LOF classification process. NMFS is now in the process of developing both the final Environmental Assessment and 2005 LOF. The final LOF will reflect new information on interactions between commercial fisheries and marine mammals. The LOF places all commercial fisheries into one of three categories based on the level of incidental serious injury and mortality of marine mammals that occur in each fishery.

OTHER ACTIVITIES—INTERNATIONAL BYCATCH REDUCTION

Larger Turtle Excluder Device Openings: Public Law 101-162 mandates that shrimp exported to the United States must be harvested in a manner that is comparable to the sea turtle regulations of the United States. The law requires foreign governments whose shrimp trawl fleets adversely impact sea turtles to adopt programs requiring the use of turtle excluder devices (TED) if they want to export shrimp to the United States. Beginning in 2003, U.S. shrimp fishermen were required to use larger openings in their TEDs. The larger openings allow leatherback sea turtles as well as large sexually mature loggerhead and green turtles to escape the shrimp nets. Due to the changes in U.S. requirements, large TED openings were required by August 31, 2004, for those nations that export wild-harvested shrimp to the United States. NMFS and the Department of State made 14 visits to these nations to inform them about the new TED opening requirements. From January 2005 through the end of December 2005, NMFS and the State Department will have inspected 11 countries and trained two countries on the new openings.

International Bycatch Reduction Task Force: In January 2002, NMFS convened an International Bycatch Reduction Task Force made up of NMFS and U.S. Department of State representatives. The Task Force subsequently developed a Plan of Action to: (1) implement the strategy to promote international agreements that reduce sea turtle bycatch in foreign longline fisheries, and (2) promote the implementation of the Food and Agriculture Organization (FAO) International Plan of

Action (IPOA) for Reducing Incidental Catch of Seabirds in Longline Fisheries and the FAO IPOA for the Conservation and Management of Sharks.

The Task Force Plan of Action outlines steps to be taken in implementing the U.S. strategy for international bycatch reduction. These tasks are broken up into four categories: (1) international sea turtle workshops, technology transfer, and gear experiments; (2) international seabird workshops, technology transfer, and gear experiments; (3) international communications relating to sea turtles, sharks, and seabirds; and (4) other task force activities. Task Force activities during 2005 relating to these categories include the following:

1. International Sea Turtle Workshops, Technology Transfer, and Gear Experiments: Since 1999, NMFS has conducted and supported research to develop measures to reduce the incidental take, mortality, and serious injury of sea turtles in pelagic longline fisheries. Efforts have focused on fishing gear modifications and changes to fishing practices to reduce sea turtle interactions and mortality. Experiments conducted in the eastern and northwestern Atlantic Ocean demonstrated that the use of 18/0 and larger circle hooks in combination with certain bait significantly reduces loggerhead and leatherback interactions with longline gear. In addition, 16/0 and 18/0 circle hooks lessen the severity of associated injuries. The 2005 activities of the Task Force relating to sea turtles continued to be influenced by these studies. NMFS remains committed to working cooperatively with other nations to share these results and to advance the adoption of technology and fishing practices that will reduce global sea turtle longline interactions. A selection of 2005 activities relating to workshops, technology transfer, and gear research are included below.

- *International Sea Turtle Workshops and Meetings:* During 2005 NMFS continued to engage in discussions and organized working sessions on sea turtle longline interactions at numerous international fishery and conservation forums and at fisheries bilateral meetings with longlining nations, including the 25th Annual Symposium on Sea Turtle Conservation and Biology (February 2005, Savannah, GA); the Third International Fishers' Forum (IFF3) (July 2005, Yokohama, Japan); the FAO Committee on Fisheries (COFI) meeting (March 2005, Rome, Italy); the Annual Trilateral Committee Meeting (May 2005, Zacatecas, MX); the U.S. Brazil Common Agenda Meeting (September 2005, Washington D.C.); the U.S. Mexico Bilateral (October 2005, La Jolla, CA); the U.S. Canada Bilateral (July 2005, Ottawa, Canada); an informal fisheries consultation with Vietnam (March 2005, Hanoi, Vietnam); and the U.S. E.U. Fisheries Bilateral (June 2005).
- *Technology Transfer and Outreach:* NMFS staff with the SEFSC, PIFSC, and SWFSC are actively working with a minimum of 25 longlining nations to provide information on results of gear experiments that have been conducted with the U.S. fleet; disseminate educational and outreach materials that have been translated into multiple languages; conduct training workshops on safe handling and release practices; provide technical guidance and circle hooks for the development of research programs; and to coordinate on longline gear experiments (see below).
- *Gear Experiments:* During 2005, Task Force members continued to assist in the planning and/or execution of international and domestic workshops focusing on technology

transfer and outreach relating to reduction of sea turtle bycatch in longline fisheries. These workshops focused on transfer of circle hook and bait technology to Latin American, Asian, and other countries that have longline fleets that interact with sea turtles. At the FAO Technical Consultation held in Bangkok in November/December 2004, there was a request for NMFS' Atlantic longline research experimental design, data sheets, and instructions, to assist in planning experiments in countries interested in evaluating circle hooks. As a follow up to this request, in April 2005 NMFS convened the first "Technical Assistance Workshop on Sea Turtle Bycatch Reduction Experiments." The purpose of this workshop was to provide technical assistance in the design of research programs for the development and testing of turtle bycatch reducing technology appropriate to the longline fisheries of participating nations. Australia, Indonesia, Malaysia, Mexico, and the Philippine Islands sent national delegations to the meeting, while individuals from Italy, New Caledonia, Papua New Guinea, Spain, the Solomon Islands, Vietnam, and the United States participated. NMFS remains actively involved in these new research programs. In 2005 Task Force members continued collaborative circle hook and bait research with a number of additional countries including Ecuador, Brazil, Costa Rica, Chile, Peru, Guatemala, and the Azores. A cooperative research project with Korea is still in the initial planning stages. NMFS is also working to conduct research and analyses on interactions in the Hawaii deep-set tuna longline fishery and to engage with Japan on Japanese-style tuna hook experiments. NMFS continues to monitor sea turtle interactions in domestic longline fisheries and to conduct research in this area. In April 2005 a cooperative research project was initiated to investigate bycatch in coastal longline fisheries in the Gulf of Mexico and Atlantic. The project will involve using hook timers and time-depth recorders to investigate temporal and spatial relationships between target and bycatch species and to further test circle hooks and baiting techniques. It is anticipated that these findings will have application to international longline bycatch issues.

2. International Seabird Workshops/Technology Transfer/Gear Experiments: A number of Task Force members also participate as members of an Interagency Seabird Working Group, which works to increase coordination and collaboration between Government agencies involved in the implementation of the U.S. National Plan of Action (NPOA) for Seabirds. A number of international workshops, gear experiments, and activities to promote technology transfer relating to reduction of seabird bycatch occurred during 2005. A summary of these efforts is included below.

- *International Seabird Workshops and Meetings:* During 2005, Task Force members participated in a number of workshops and meetings, including: "IPOA-Seabirds: Best Practices for NPOA Development" a side session at FAO's 26th Meeting of COFI and "IPOA-Seabirds: Implementation by RFMOs" at the 4th Meeting of the Regional Fisheries Bodies in Rome, Italy (March 2005); the 1st Meeting of the Advisory Committee to the Agreement for the Conservation of Albatrosses and Petrels in Hobart, Australia (July 2005); the International Tuna Fishers Conference on Responsible Fisheries & IFF3, Yokohama, Japan (July 2005); and the ad-hoc Working Group on the Incidental Mortality Associated with Fishing (WG-IMAF) at CCAMLR, Hobart, Australia (Oct/Nov 2005)

- *Technology Transfer and Outreach:* Findings from seabird mitigation research conducted in the United States continues to be shared in international arenas such as FAO's COFI, CCAMLR, ICCAT, and the 3rd International Fishers Forum. Integrated weight groundlines and paired streamer lines (used and tested with demersal longline gear in Alaska to avoid seabirds) are being tested in Russian longline fisheries and elsewhere. A technical assistance program in the Hawaii pelagic longline fleet for side-setting (used with pelagic longline gear to minimize seabird interactions) is being reported to FAO and numerous RFMOs that may benefit from such mitigation technology. The educational outreach video "Off the Hook" is being translated to Spanish and will be distributed widely in South America. NMFS sponsored a workshop at the 4th International Fisheries Observer Conference (November 2004) to consider best practices for longline data collection relating to protected species and the facilitation of research and analysis to reduce bycatch. The draft executive summary of this successful workshop has been submitted to numerous international groups and RFMOs and will be more broadly distributed once the final report is available.
- *Research and Gear Experiments:* NMFS and the U.S. Fish and Wildlife Service continue to collaborate with university Sea Grant programs, longline industry, and non-governmental organizations to develop and evaluate the effectiveness of seabird mitigation devices. Continued efforts have included gear studies and sea trials on streamer lines, side-setting, integrated weight groundlines, and trawl mitigation devices. Research results have been presented at domestic and international scientific meetings.

3. International Communications Relating to Sea Turtles, Sharks and Seabirds: Task Force members participated in a number of activities designed to communicate U.S. concern regarding bycatch of sea turtles, sharks, and seabirds. As noted above, many of these international communications and other activities focused on further dissemination of information relating to gear/bait modifications to reduce sea turtle bycatch in longline fisheries and measures to reduce the bycatch of seabirds in longline fisheries. Recent activities included:

- Over the past year, the United States has continued to use international organizations, regional and subregional fishery management organizations and arrangement, and bilateral relationships to call attention to the international problems of sea turtle bycatch and incidental catch of seabirds and sharks in longline fisheries. We have continued to impress upon foreign governments the importance of this issue to the United States and have stressed the need for their active engagement and concrete action as part of an effective strategy for the conservation and management of these species. In this regard, the Administration's efforts to address this pressing problem have focused on the following key areas:
 - 1) Obtaining additional data on the level of sea turtle interaction with longline fisheries including distribution by time, depth and area;
 - 2) Continued research into new fishing gear and techniques to reduce sea turtle bycatch, including gear modifications, alternative baits, and alternative fishing strategies;

- 3) Identification of interim measures to promote at the international level to reduce sea turtle bycatch, while efforts continue to further identify and refine possible solutions through numbers 1 and 2, above;
- 4) Providing technical assistance and outreach to foreign nations to document sea turtle interactions in longline fisheries, conduct gear modification experiments and implement measures to reduce sea turtle bycatch, and implement safe-handling practices to reduce sea turtle injury and mortality; and
- 5) Promoting full implementation of the Guidelines adopted by the 2004 FAO Technical Consultation on Sea Turtle Conservation and Fisheries and supported by COFI.

4. Other Task Force Activities: In addition to tasks specifically associated with the Task Force Action Plan, members of the Task Force participated in the following activities:

- *Inter-American Sea Turtle Convention* – The United States was a driving force behind efforts to negotiate the Inter-American Convention for the Protection and Conservation of Sea Turtles in the Western Hemisphere. The Convention, which entered into force in May 2001, is the first international treaty dedicated solely to the conservation of sea turtles. It establishes a comprehensive framework for international efforts to protect sea turtles and their habitats, including specific provisions relating to the interaction of sea turtles in commercial fisheries. The First Conference of the Parties (COP1) took place in San José, Costa Rica, in August 2002 and August 2003. Delegates from all 11 signatory countries were present, along with 27 observers from 10 countries. The Parties agreed to procedural rules and bylaws, and also developed guidelines for international cooperation and the 2004 work program for the Secretariat pro tempore. The Second Conference of the Parties (COP2) took place in Isla de Margarita, Venezuela, in November 2004. Delegates from 10 of the 11 signatory countries were present, along with observer states and 11 non-governmental organizations. At COP2 the Parties constituted the Consultative Committee, finalized the format for the annual report form, extended the Secretariat pro tempore, continued discussions on the agreement of the structure of the Scientific Committee (SC), passed the Convention's first resolution (a largely advisory resolution on conservation of the leatherback sea turtle), and concluded its first Memorandum of Understanding between the Convention and the regional South American fisheries development organization OLDEPESCA. The United States is continuing to take a lead role—currently working with the other Parties to establish the framework, including a permanent Secretariat, for the Parties to carry out their obligations of the Convention.
- *Indian Ocean Sea Turtle Memorandum of Understanding* – The Memorandum of Understanding (MOU) on the Conservation and Management of Marine Turtles of the Indian Ocean and Southeast Asia, and its associated Conservation and Management Plan (CMP), provide a comprehensive framework for the conservation and protection of sea turtles and their habitats in the Indo-Pacific region. Though non-binding, the MOU and CMP contain strong, forward-looking provisions that, if effectively implemented, will advance conservation of endangered sea turtles populations and promote their recovery. The 3rd meeting of the Signatory States was held in March 2005, in Bangkok. Member States requested the IOSEA Advisory Committee to assess the impacts the December

2004 tsunami had on sea turtles and their habitats, with a special emphasis on leatherbacks. The IOSEA also launched a region-wide “Year of the Turtle” initiative to draw attention to the dramatic declines in turtle populations. Here again, the United States continues to work to establish through the MOU/CMP a strong and effective sea turtle conservation regime.

- *IATTC Seabird Resolution* – At its Annual Meeting in June 2005, the Inter-American Tropical Tuna Commission (IATTC) adopted the “Resolution on Incidental Mortality of Seabirds” (C-05-01). The Resolution calls on Parties to implement the International Plan of Action for Reducing Incidental Catches of Seabirds in Longline Fisheries, to collect and voluntarily provide information on interactions with seabirds, and for the Working Group on Stock Assessment to present an assessment of the impact of incidental catch of seabirds resulting from the activities of all the vessels fishing for tunas and tuna-like species, in the eastern Pacific Ocean.
- *IATTC Shark Conservation Resolution* – The IATTC also adopted the “Resolution on the conservation of Sharks caught in Association with Fisheries in the Eastern Pacific Ocean” (C-05-03). This resolution bans shark finning in EPO fisheries, mandates much-needed shark data collection and assessment programs, and encourages research into shark nursery areas and ways to avoid incidental bycatch of sharks. Co-sponsored by the United States, the EU, Japan, and Nicaragua, the resolution calls upon IATTC members to implement National Plans of Action for Shark Conservation in accordance with the FAO International Plan of Action for Sharks. The IATTC is to work cooperatively with the Western and Central Pacific Fisheries Commission (WCPFC) to provide preliminary advice on the status of sharks and to propose a research plan.
- *IATTC Bycatch Resolution* – The IATTC extended the “Consolidated Resolution on Bycatch” (C-04-05) through January 1, 2007. This resolution requires full retention of juvenile tunas and non-target species of fish, and provides for a review of compliance on the full retention measure (by flag state or entity) to take place in the Permanent Working Group on Compliance in 2006. Amendments to the Consolidated Resolution on Bycatch to further elaborate sea turtle interaction requirements were discussed at the 2005 Annual Meeting, but not adopted. Spain and France expressed their concerns regarding circle hooks. Japan offered to host the next Bycatch Working Group in January or February of 2006 where, it is hoped, the issue will be resolved so that a resolution can be adopted at the next IATTC meeting.
- USFWS issued its Draft Recovery Plan for the Short-tailed Albatross in November 2005. The short-tailed albatross is listed as endangered under the Endangered Species Act and incidental takes have been documented in U.S. and Russian longline fisheries. An international recovery team (including NMFS participation) developed the Plan, and recovery tasks include actions to continue research on fisheries operations and mitigation measures, with refinements for non-U.S. fisheries (Japan and Russia).
- *ICCAT Resolution on Circle Hooks* – At its 2005 Annual Meeting, the International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted a non-binding

resolution encouraging members and cooperating parties to undertake research on the use of circle hooks in commercial pelagic longline, recreational, and artisanal fisheries. The measure also encourages the exchange of ideas on fishing methods and technological gear that improves the safe handling and release of incidentally caught species.

- *ICCAT Recommendation on Sharks* – At its 2004 Annual Meeting, ICCAT adopted a binding resolution calling for, among other things, a shark finning prohibition that requires that ICCAT members and cooperating parties have onboard fins that total no more than 5 percent of the weight of sharks (carcasses) onboard up to the point of first landing. Additionally, Contracting Parties, Cooperating non-Contracting Parties, Entities, or Fishing Entities will be required to collect scientific data for catches of sharks. The United States was instrumental in proposing and gaining support for this groundbreaking decision. At its 2005 Annual meeting, ICCAT adopted a binding recommendation to amend the 2004 shark measure in response to scientific advice that additional measures to reduce fishing mortality are necessary to improve the status of the North American shortfin mako shark population. The 2005 recommendation requires ICCAT members and cooperating parties to implement the 2004 measures if they have not already done so, particularly as they relate to shortfin mako, and report to the Commission.
- *ICCAT Resolution on Sea Turtles* – After more than 2 years of negotiation, ICCAT took action in 2003 in response to a U.S. proposal regarding sea turtles. The Commission adopted a non-binding resolution that encourages all parties to provide information on interactions with sea turtles in the ICCAT Convention area—in particular, the bycatch of sea turtles in ICCAT fisheries. Pursuant to this resolution, parties agreed to share all available information on technical measures to reduce the incidental capture of sea turtles in ICCAT fisheries and ensure the safe handling of turtles that are released. ICCAT also resolved to have its scientific body develop standardized data collection and reporting methods to assess the problem of sea turtle bycatch. Furthermore, the United States provided significant information about research that has been conducted in the northern Atlantic regarding methods to reduce the incidental capture and mortality of sea turtles by longline vessels.
- *ICCAT Resolution on Seabirds* – At the 2002 Commission meeting, ICCAT adopted a resolution on the incidental mortality of seabirds. The resolution urges parties to inform ICCAT's Standing Committee on Research and Statistics (SCRS) and the Commission of the status of their National Plans of Action for Reducing Incidental Catches of Seabirds in Longline Fisheries (NPOA-Seabirds) and to implement such plans, where appropriate. Furthermore, the resolution encourages parties to collect and provide to SCRS all available information on interactions with seabirds, including incidental catches in all fisheries under the purview of ICCAT. Prior to the 2003 ICCAT meeting, the United States sent a demarche to ICCAT parties reminding them of the 2002 Resolution on Seabirds and encouraging them to provide information to ICCAT on the NPOAs and to provide any data they may have in their 2003 National Reports. Several countries responded to the U.S. demarche and reported seabird-related information to ICCAT in

2003. We again submitted our seabird data and provided additional information on efforts underway to address seabird bycatch in our annual report to ICCAT this year.

- *Western and Central Pacific Fisheries Convention* – During the first annual meeting of the WCPFC in December 2004, the U.S. Delegation, working in concert with like-minded parties, initiated a resolution regarding the development of conservation measures to ameliorate overfishing of western and central Pacific bigeye and yellowfin tuna resources. The resolution includes provisions for the inclusion of bycatch species, such as sea turtles, in subsequent analyses. In August 2005, the Secretariat of the Pacific Community's Oceanic Fisheries Program quantified sea turtle bycatch, and made lower bound estimates of fishery induced mortalities (based on observer data) for the major HMS fisheries found in the WCPFC area. Based in part on this information, the United States will continue to work with like-minded delegations to adopt appropriate sea turtle conservation and management measures at the next annual meeting of the Commission.
- *FAO Work on Sea Turtle Bycatch* – During the 25th Session of the FAO Committee on Fisheries in February 2003, the U.S. Delegation worked successfully with Japan and other delegations for a decision by the FAO to convene a Technical Consultation on Sea Turtle Conservation and Fisheries. The Technical Consultation, which took place in Thailand November 29–December 2, 2004: (a) reviewed the status of the sea turtle species that are of concern and the overall impact fisheries have on their populations; (b) explored where data collection can be initiated or improved, where existing data on fisheries effort and turtle distribution can be used to estimate interactions where empirical data do not exist, and how data collected can best be used to develop effective conservation and management measures; (c) included the fishing industries in developing solutions to reduce sea turtle bycatch and inform the fishing industries of the nature of the problem and the impact their operations have on sea turtles; (d) promoted research on gear modifications and fishing practices that will reduce sea turtle bycatch; (e) discussed and considered measures that could be adopted to immediately reduce the impact of fisheries on sea turtle populations; and (f) promoted involvement of Regional Fisheries Management Organizations in identifying solutions and implementing measures to reduce sea turtle bycatch.

The FAO Technical Consultation resulted in a set of recommendations related to future work on sea turtle conservation and the reduction of sea turtle mortality in fishing operations. These recommendations reflect recent research and management activities in the United States and elsewhere and are specifically directed to the FAO, regional fisheries bodies, and FAO Member Countries. The Technical Consultation also adopted “Guidelines to Reduce Sea Turtle Mortality in Fishing Operations,” which the United States has raised in the IATTC and in ICCAT and is planning to raise in the WCPFC. The Report of the Technical Consultation (including its recommendations and Guidelines) was adopted by the 26th Session of the FAO Committee on Fisheries, which met March 7–11, 2005. This work will likely be valuable as the United States continues its efforts to address sea turtle bycatch on the domestic, bilateral, and multilateral fronts.

CONCLUSION

During 2005, the United States continued its efforts to secure international agreements to establish standards and measures for bycatch reduction that are comparable to the standards and measures applicable to United States fishermen. It is the opinion of NMFS that it is both necessary and appropriate for the United States to continue its efforts to seek international agreements that establish standards and measures for bycatch reduction that are comparable to those applicable to U.S. fishermen.